

State of California
Regional Water Quality Control Board
North Coast Region

Cathleen Goodwin
August 17, 2005

EXECUTIVE OFFICER'S SUMMARY REPORT
9:00 a.m., October 12, 2005
Regional Water Quality Control Board
Hearing Room
5550 Skylane Boulevard, Suite A
Santa Rosa, California

ITEM: _____

SUBJECT: Public Hearing to Consider Modifications to Cease and Desist Order No. R1-2004-0102 and Time Schedule Order No. R1-2004-0103 in the Matter of Occidental County Sanitation District and the Sonoma County Water Agency

DISCUSSION

The Occidental County Sanitation District (CSD) provides municipal wastewater treatment for the Town of Occidental under Waste Discharge Requirements (WDR) Order No. 93-42 that also serves as an NPDES permit. A description of the existing facility is provided in Attachment 1. The facility is operated under contract by the Sonoma County Water Agency (SCWA). The District and the SCWA are referred to in this report as the Dischargers. A map showing the location of Occidental is provided in Attachment 2.

Since October 1997, the Dischargers have been under Regional Water Board Cease and Desist Orders (CDO) and Time Schedule Orders (TSO) requiring the Dischargers to accomplish specific tasks designed to eliminate violations of the *Water Quality Control Plan for the North Coast Region* and Waste Discharger Requirements Order No. 93-42 for the Occidental CSD municipal wastewater treatment facility. On November 29, 2004, the Regional Water Board modified the Dischargers' CDO and TSO for the third time with the adoption of the subject Orders. The subject Orders contain a compliance schedule that requires the Dischargers to: 1) perform specific tasks related to completion of a capital improvement project (CIP); 2) complete an interim project to improve system reliability until the CIP is completed; and 3) submit semi-annual progress reports on the status of interim operations of the existing treatment plant, the status of obtaining funding to finance the CIP, and construction of the CIP.

On June 3, 2005, the Sonoma County Water Agency submitted a progress report (Attachment 3) indicating that the combined Occidental/Camp Meeker capital improvement project identified in the current CDO and TSO appears to be infeasible due to limited availability of grant funding that would result in unreasonably high capital and maintenance costs being borne by the ratepayers in Occidental. On June 21, 2005, the District provided an update to the Regional Water Board regarding the status of the capital improvement project. The Regional Water Board expressed support for extending the CDO and TSO time schedules in favor of a regional,

watershed approach that could address Occidental's wastewater treatment and disposal needs as well as the needs of other nearby communities with failing septic systems.

On July 29, 2005 the Dischargers submitted a letter (Attachment 4) to Regional Water Board staff (Staff) requesting an extension of time from June 30, 2008 to June 30, 2010, to complete a capital improvement project. The letter stated that the Dischargers have conducted a preliminary evaluation of alternative capital improvement projects and that evaluation indicates that the most feasible CDO compliance project option is a new pipeline with capacity for Occidental and Camp Meeker's wastewater that would be constructed from Occidental to the Russian River CSD wastewater treatment facility. The proposed project would include upgrades to Occidental CSD's existing pump station, construction of a pipeline between Occidental and Russian River CSD wastewater treatment facility and modifications to the Russian River CSD wastewater treatment facility headworks. The Dischargers propose to complete an environmental impact report that fully evaluates the proposed project.

In addition, the July 29, 2005 letter requested a change in the compliance project that the Dischargers would implement to comply with Administrative Civil Liability Complaint (ACLC) No. R1-2003-0125. The Dischargers propose replacement of the Occidental CSD collection system in place of constructing tertiary filters, as the tertiary filters would no longer be needed if the capital improvement project is changed. The letter states that an Occidental CSD collection system replacement project would be completed by October 2007, sooner than the June 30, 2008 deadline required by ACLC No. R1-2003-0125. ACLC No. R1-2003-0125 must be amended under a separate action to allow a change in compliance projects.

In a letter dated August 2, 2005 (Attachment 5), Staff requested additional information regarding the Dischargers' proposal for modifying the capital improvement project, compliance project and associated time schedules. Staff was concerned that the Dischargers' request for an additional two years to complete the CIP was lengthy. On August 15, 2005, the Dischargers' submitted a response letter (Attachment 6) that explained that the additional two years is needed in order to properly complete the environmental impact report (EIR) needed for the proposed capital improvement project revision. The draft EIR is scheduled for public release in February 2007. Staff anticipates and expects that the draft EIR will thoroughly evaluate the project options and be a complete and defensible document. The revised CDO requires the submittal of quarterly progress reports so that Staff will be regularly appraised regarding the project.

The Dischargers have satisfactorily completed three of the six tasks in CDO No. R1-2004-0102, including Tasks 1.A. and 1.C. related to completion of an interim project to improve system reliability, and Task 1.B. which is related to administrative tasks addressing permitting and governance of the new wastewater treatment facility. The Dischargers have also submitted semi-annual progress reports required by Task 1.C. in a timely fashion.

Staff supports the Dischargers' request for extension of the deadlines. The Dischargers have complied with the enforcement orders to date. The time extension is justified due to the fact that the combined Occidental/Camp Meeker project has become unfeasible for financial reasons that are out of the Dischargers' control. In addition, the Dischargers' have proposed to complete an additional compliance project, replacement of the Occidental CSD collection system, that will reduce infiltration and inflow into the existing wastewater treatment plant and will be a necessary upgrade for any capital improvement project selected by the Dischargers.

Staff has drafted, for the Regional Water Board's consideration and adoption, Cease and Desist Order No. R1-2005-0085 and Time Schedule Order No. R1-2005-0086. The original Orders (Order Nos. R1-2004-0102 and R1-2004-0103) were used as the basis for the new Orders. The new Orders contain a new time schedule for completion of tasks that the District has proposed in order to implement its capital improvement project.

A Notice of Public Hearing regarding the revision to the two enforcement orders was issued on August 17, 2005.

PRELIMINARY STAFF

RECOMMENDATION:

Consider all testimony presented at the evidentiary hearing and adopt Cease and Desist Order No. R1-2005-0085 and Time Schedule Order No. R1-2005-0086 for the Occidental County Sanitation District and the Sonoma County Water Agency.

Attachment 1

OCCIDENTAL COUNTY SANITATION DISTRICT FACILITY INFORMATION

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|---------------------|---|
| Facility Type: | Municipal Wastewater Treatment Facility |
| Level of Treatment: | Secondary biological treatment via aerated oxidation pond and settling pond Tertiary Disinfection via chlorination followed by dechlorination prior to discharge |
| Location: | West part of Sonoma County |
| Owner: | Occidental County Sanitation District |
| Operator: | Sonoma County Water Agency |
| Permit: | Waste Discharge Requirements Order No. 93-42 Also serves as NPDES permit |
| Design Flow: | ADWF = 0.05 mgd |
| Current Flow: | ADWF = 0.02 mgd |